



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,270	04/30/2001	Andrew Joseph Travaly	839-1028	8943
30024	7590	12/13/2005		
NIXON & VANDERHYE P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER RODRIGUEZ, PAUL L	
			ART UNIT	PAPER NUMBER
			2125	
DATE MAILED: 12/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,270	TRAVALY ET AL.	
	Examiner	Art Unit	
	Paul L. Rodriguez	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 11/10/05 has been received and considered. Claims 23-28 have been cancelled by the amendment and claims 1-22 are presented for examination.
2. Examiner would like to comment on applicant's failure to properly amend both the specification and the claims by not following the guidance set forth in 37 CFR 1.121. The amendment is supposed to identify added language by underlining the text and is supposed to strike through or use double brackets to indicate deleted material. Also the listing if claims are supposed to provide proper status identifiers for each of the claims. Applicant has failed to follow this guidance in the amendment submitted 11/10/05. For example, amended paragraph 28 adds language to lines 5 and 6 "wireless interface unit 14 and hub 20" and "user" without the proper underlining indicator. Element numbers have been added to paragraphs 28 and 29 without indicating their insertion. Claims 1, 8, 10, 11 and 15 adds language without any indication that it is added, this added language provides significant changes to the scope of the pending claims. Finally the amended claims have improper status indicators present, claim 13 was not amended but is labeled as amended and claim 17, which was amended, is marked as original. Examiner takes issue with the quality of the submitted amendment and requests that applicant make sure that any future amendments be submitted in accordance with the practices and procedures set forth by the office.

Claim Objections

3. Claims 1, 2, 7-9, 11 and 21 are objected to because of the following informalities:

Claim 1 lines 12-13 refer to “said at least one interface device”, as currently amended, this should read “said at least one wireless communications interface device”, reference to the same limitation should remain consistent to avoid any confusion or possible antecedent issues.

Claim 1 lines 16-17 refers to “said at least one antenna assembly”, as currently amended, this should read, “said at least one orbiting satellite antenna assembly”.

Claim 2 line 1 refers to “said at least one interface device”, as currently amended, this should read, “said at least one wireless communications interface device”.

Claim 2 line 2 refers to “said user”, previously “said mobile user”.

Claim 5 line 2 refers to “said at least one antenna assembly”, as currently amended, this should read, “said at least one orbiting satellite antenna assembly”.

Claim 7 line 1 refers to “said server system”, previously “a network server computer system”.

Claim 8 line 3 refers to “said at least one antenna assembly”, as currently amended, this should read, “said at least one orbiting satellite antenna assembly”.

Claim 9 line 1 refers to “said wireless access point”, previously “a wireless access point device”.

Claim 11 lines 2-3 refer to “said at least one wireless access point interface”, previously “at least one wireless communications access point interface”.

Claim 21 line 2 refers to “a mobile user”, unclear if this is the same, or a separate and distinct mobile user as set forth in claim 16 line 3, if these are referring to the same then this

Art Unit: 2125

should be referred to as “the” or “said” mobile user. If separate and distinct, then the two should be distinguished, for example “a second mobile user”.

Appropriate correction is required.

4. The examiner has provided a number of examples of the claim deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the claim objections.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 3, 5, 6 and 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 recites the limitation "said computer system" in line 2, previously a mobile computer and a wireless computer system. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 5 recites the limitation "said wireless local area network" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 4 refers to “said LAN

Art Unit: 2125

comprises: a wireless network” and claim 1 refers to “a local area network” but there is no specific “wireless local area network.

9. Claim 8 recites the limitation "said at least one server system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 10 recites the limitation "said mobile computing system unit" in line 8. There is insufficient antecedent basis for this limitation in the claim. There is no previous “unit” recited.

11. Claim 11 recites the limitation "the at least one interface device" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 10, 11, 16-19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Petrie et al (U.S. Pat 6,882,904). The claimed invention reads on Petrie et al as follows:

Petrie et al discloses (claim 10) a field engineering communication network for enabling a field service engineer to control a power plant having a gas turbine (figures 4-7, intended use, this network would enable a service engineer the ability to control the power plant), said network

Art Unit: 2125

comprising a controller coupled to said power plant to control the gas turbine (reference number 107, 108) and at least one wireless communications access point interface communicatively coupled to said controller (reference number 15, 17, to 310, figure 7), said interface communicating wirelessly with at least one of a mobile computing system and a wearable computer carried by a mobile user (reference number 15, 17, figure 7), said controller receiving instructions from one of said mobile computing system and a wearable computer carried by a mobile user for controlling said gas turbine (col. 11 line 36 – col. 12 line 50, col. 12 line 60 – col. 13 line 9, reference number 680a, figure 6 controls), (claim 11) a local area network (LAN) in communication with said at least one wireless access point interface (col. 12 lines 60-65), at least one antenna assembly having a transceiver system for transmitting and receiving signals from the at least one interface device (reference number 15, 17, inherent to a wireless device), and at least one network server computer system communicatively coupled to said at least one antenna assembly via a wireless communication network, said server including a database for storing application data accessible by the mobile user (figure 7 all devices connected by the network, col. 10 lines 48 – col. 11 line 35, col. 12 line 60 – col. 13 line 9), (claim 16) In a power plant of the type having a gas turbine (figures 5-7, col. 2 line 50, 63, col. 5 lines 35-38), a method of enabling a mobile field service engineer to monitor and control the power plant by a mobile user (col. 10 line 65 – col. 11 line 10), comprising receiving power plant data by at least one processor system having a controller for a gas turbine (reference number 107, 108, col. 10 line 65 – col. 11 line 10), forwarding the received data to at least one of a mobile unit and a wearable computer carried by a mobile user via an interface device (col. 12 line 60 – col. 13 line 9), inspecting the received data to determine power plant operability (col. 10 line 65 – col. 11 line

Art Unit: 2125

10), receiving, by the wearable computer via a wireless network, software application data stored in a remote server (col. 12 lines 39-50) and instructing the controller to vary the gas turbine power plant operation (reference number 6, 7, col. 11 lines 36 – col. 13 line 9, reference number 680a, figure 6), (claim 17) forwarding power plant data to a remote user via a wireless communication network (col. 8 lines 53-57), (claims 18, 19, 21 and 22) are considered various combinations and variations of the claim limitations addressed above, also considered anticipated. Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2125

15. Claims 1-9, 12-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrie et al (U.S. Pat 6,882,904) in view of Perkins et al (U.S. Pat 6,496,477).

Petrie et al teaches most all of the instant invention as applied to claims 10, 11, 16-19, 21 and 22 above. Petrie et al also teaches a system for digitization of work processes in a power plant having a gas turbine (figures 5-7, col. 2 line 50, 63, col. 5 lines 35-38), at least one processor system having a controller (reference number 107, 108, col. 10 line 65 – col. 11 line 10), said at least one processor receiving power plant data, and said controller controlling said gas turbine (col. 10 line 65 – col. 11 line 10), at least one wireless communications interface device communicatively coupled to said at least one processor system for wirelessly communicating the data received from the processor system to at least one of a mobile computing system and a computer system carried by a mobile user (figure 7, reference numbers 15, 17, col. 12 line 60 – col. 13 line 9), said controller capable of receiving instructions from at least one of said mobile computer system or said wireless computer system carried by a mobile user to control the gas turbine (reference number 6, 7, col. 11 line 36 – col. 12 line 50, col. 12 line 60 – col. 13 line 9, reference number 680a, figure 6 controls), a local area network (LAN) in communication with said at least one interface device (col. 12 lines 60-65), at least one antenna assembly having a transceiver system for transmitting and receiving signals from said at least one interface device (reference numbers 15, 17, inherent), and a network server system communicatively coupled to said at least one antenna assembly via a wide area communication network (reference number 310) said server computer including a database for storing application data accessible by the mobile user (col. 10 line 48 – col. 11 line 35, col. 12 line 60 – col. 13 line 9), (claim 2) wherein said at least one interface device is a wireless access point

Art Unit: 2125

device, and said computer system carried by said user is a wearable computer (reference number 15, 17, Examiner considers 15 and 17 as wireless access point devices and are wearable either through a belt clip, holder or placing in a pocket), (claim 3) wherein said access point device is capable of communicating the data received from the processor system to the server computer via said LAN (figure 7) and (claim 9) wherein said wireless access point is capable of operating on DC power (inherent, mobile phones and PDAs operate on DC power).

Petrie et al fails to teach that the system and networks contain the following elements: a router, a private branch exchange network (PBX), a voice over IP (VOIP) gateway, an ethernet interface, an ATM network and communicating data via an orbiting satellite.

Perkins et al teaches a network that contains each of the above elements and is used for communicating with wearable communication and control devices (all).

Petrie and Perkins et al are analogous art because they are both related to data transfer over network communications.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the well known elements of the communication networks of Perkins et al in the communication and control network of Petrie et al because these elements are well known in the art of network communications and Perkins et al teaches the improved deliver of real-time information from a sender computer to a receiver computer coupled to the sender computer wherein packets sometimes become lost. Using at least one path in the packet network and at least one path-diversity path in the packet network to the same receiver computer (col. 2 lines 15-24) improving packet delivery reliability.

Response to Arguments

16. Applicant's arguments filed 11/10/05 have been fully considered but they are not persuasive

Regarding the rejections under Petrie et al, applicant argues that Petrie et al fails to disclose “a system for digitization of field engineering work processes in a gas turbine power plant, or an antenna assembly having a transceiver system for transmitting and receiving signals from at least one wireless communications interface device or receiving power plant data by a controller for a gas turbine, as set forth in...claims 1, 10 or 16”. Examiner points out that Petrie et al is silent on “field service engineering”, “field engineering” and “field service engineer”, however, these are limitations found in the preamble of each claim and the Examiner gives little or no patentable weight to these terms. Claim 1 recites “A system for digitization of field service engineering” with is considered an intended use only. Claim 10 recites “A field engineering communications network for enabling a field service engineer to control”, again an intended use. Claim 16 recites “a method of a mobile field service engineer to monitor and control”, again simply an intended use. Nothing found in the body of the claim refers back to these intended uses listed in the preambles of these claims, therefore the terms are given no patentable weight.

Regarding the antenna argument. Petrie et al has elements 15 and 17 which are know wireless devices, these devices inherently have an antenna having a transceiver system for transmitting and receiving signals from at least one wireless communications device or receiving power plant data. This argument is not persuasive, however, claim 1 requires an antenna for an orbiting satellite antenna, therefore the 102 rejection of claim 1 in light of Petrie et al is withdrawn, the rejections of claims 10 and 16, without this limitation are maintained.

Art Unit: 2125

Regarding the rejection under Bjorklund, applicant argues that the reference does not disclose “a system for digitization of field engineering work processes in a gas turbine power plant, or an orbiting satellite antenna assembly having a transceiver system for transmitting and receiving signals from at least one wireless communications interface device, or a method for controlling a gas turbine power plant by a mobile user, or receiving power plant data by a controller for a gas turbine, as set forth in one or more of applicants' independent claims”. Because the reference only discloses control of a substation and not the gas turbine, the rejection is withdrawn. However, this reference does teach elements well known in the art of networks and communications and is considered a relevant piece of art.

Regarding the rejection of Petrie et al in view of Perkins, applicant relies on the above arguments directed to Petrie et al. As pointed out, the arguments are not completely persuasive with respect to claims 10 and 16, therefore only the rejection under this combination, of claims 4-8 are withdrawn.

Applicant argues that no teaching has been provided to suggest obviousness of modifying the communications network of Petrie et al. Examiner contends that a proper prima facie case of obviousness has been established and the rejection is maintained, also the argument of hindsight reconstruction is without merit because the Examiner is not relying upon hindsight reconstruction.

Examiner, in response to the amendment is also rejecting claims 1-9 under an obviousness combination of Petrie et al and Perkins because it is clear that the amendment to claim 1 is a simple incorporation of elements found in the dependent claims, elements that are clearly taught by the prior art and are well known in the art of network communications.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Staphanos et al (U.S. Pub 2005/0188745) – teaches a generator monitoring and control system and method that utilizes wireless control node.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

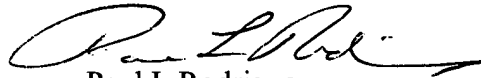
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L. Rodriguez whose telephone number is (571) 272-3753. The examiner can normally be reached on 6:00 - 4:30 T-F.

Art Unit: 2125

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul L Rodriguez
Primary Examiner
Art Unit 2125

PLR
12/9/05